IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No. 3435 of 2007

Sanjeev Nivrutti Ovhal ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr R.B. Deshmukh, Advocate for the Applicant.

Ms S. D. Shinde, A.P.P. for the State.

CORAM: V. C. DAGA,J.

DATED: 25TH OCT, 2007.

P.C.:-

1. Heard learned counsel for the applicant and the learned APP for the State.

2. Perused application and the material available on record.

3. The applicant is seeking cancellation of anticipatory bail granted in Misc. Cri. Appln. No.2472 of 2007 by 8th Ad hoc Additional Sessions Judge, Pune in favour of the respondent No.2.

4. Here, I may mention that the observations made by learned Ad-hoc Additional Sessions Judge, Mumbai in para 11 to 14 of the order dated 22.8.2007 while granting

application for anticipatory bail. Para 11

and 14 of the said order reads as under:-

11."According to applicant, he has filed number of complaint applications before the superior authorities including Home Ministry about the alleged corruption of the complainant. It is also revealed from the paper cutting produced by the applicant that the applicant had procession of donkey showing symbol of Chief Officer of Alandi Nagar Parishad."

12. It is also revealed from the documents produced by the complainant on record that, the complainant also applied to the superior authorities about act of this applicant. It means prior to filing this complaint there are number of applications filed by the applicant to the superiors against the complainant Chief Officer, Alandi Nagar Parishad. On the other hand, complainant also filed number of applications against the applicant. From this record, it appears that since long there is tussle between the complainant and applicant.

13. Considering all these documents, I think mere mentioning in the complaint about abuses allegedly given by the applicant by referring cadste of the complainant are not sufficient. Therefore, considering the nature of the allegation and long standing dispute between complainant and applicant, I think in this case there is no hurdle to grant anticipatory bail to the applicant.

14. "Moreover, in this case, there is simple allegation of abuses referring to the caste of the complainant. Therefore, the custodial interogation of this applicant is not at all needed. Not only this, the applicant is a permanent resident of Alandi. He is Municipal Councillor of Alandi Nagar Parishad. Therefore, possibility of fleeing away of the applicant from the trial in this case is not there. Therefore, certain conditions can be imposed on the applicant while granting

anticipatory bail."

5. Having seen the aforesaid observations while granting anticipatory bail to the respondent No.2, in the light of the allegations made in the F.I.R. I do not see any material to take contrary view. No other view is possible. The view taken by the Ad-hoc Additional Sessions Judge, Pune in its order dated 22.8.2007 in B.A.No.2472 of 2007 still hold good. This is not a fit case to cancel anticipatory bail. No case is made out to interfere with the impugned order.

6. In the result, the present application stands rejected.

7. Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(V.C. DAGA,J.)